PATENT COOPERATION TREATY

To:

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44bis.3(c) and 72.2)

SAWODNY, Michael Dreiköniggasse 10 89073 Ulm ALLEMAGNE 6, 300, 2006

Date of mailing (day/month/year)
31 August 2006 (31.08.2006)

Applicant's or agent's file reference

Applicant's or agent's file reference
P 16417WO/P 2099WO

IMPORTANT NOTIFICATION

International application No. PCT/EP2004/010923

International filing date (day/month/year)
30 September 2004 (30.09.2004)

Applicant

SCHOTT AG et al

l.	Transmittal	of t	he	translation	to	the a	applicant	•
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The International Bureau transmits herewith a copy of the English translation of the international preliminary report or
patentability (Chapter I).

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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PATENT COOPERATION TREATY

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TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicantle	or agent's file reference				
	417WO/P 2099WO	FOR FURTHER ACTION	See Form PCT/IPEA/416		
	al application No.	International filing date (day/month/year	r) Priority date (day/month/year)		
PCT/1	EP2004/010923	30.09.2004	30.09.2003		
C03C	al Patent Classification (IPC) or n 21/00, A01 N59/:	ational classification and IPC 16, C03C3/087, C03C1	0/00, C03C12/00		
Applicant SCHO!	IT AG		·		
		liminary examination report, established by the applicant according to Article 36.	y this International Preliminary Examining Authority		
2. T	his REPORT consists of a total of	5 sheets, in	cluding this cover sheet.		
3. T	his report is also accompanied by	ANNEXES, comprising:	•		
a	. (sent to the applicant a	nd to the International Bureau) a total of $oldsymbol{1}$	sheets, as follows:		
			been amended and are the basis for this report and/or see Rule 70.16 and Section 607 of the Administrative		
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.				
b		al Bureau only) a total of (indicate type and	number of electronic carrier(s))		
	, containing a sequence listing and/or tables				
	related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).				
4. T	his report contains indications rela	ating to the following items:			
	Box No. I Basis of t	he report			
	Box No. II Priority				
	Box No. III Non-estal	olishment of opinion with regard to novelty.	inventive step and industrial applicability		
	Box No. IV Lack of u	nity of invention			
	DON TIOL :	statement under Article 35(2) with regard to and explanations supporting such statement	o novelty, inventive step or industrial applicability;		
	Box No. VI Certain d	ocuments cited			
	Box No. VII Certain d	efects in the international application			
	Box No. VIII Certain o	bservations on the international application			
Date of sub	omission of the demand	Date of completio	n of this report		
Name and mailing address of the IPEA/EP		Authorized officer	Authorized officer		
Facsimile N	No.	Telephone No.	Telephone No.		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/010923

Box N	No. I	Basis of the report		
l.	With regard indicated u	d to the language, this report is based on the internation	onal application in the language in	n which it was filed, unless otherwise
	This which	report is based on translations from the original langua h is the language of a translation furnished for the pur	age into the following language poses of:	
		international search (Rule 12.3 and 23.1(b))		
		publication of the international application (Rule 12.4	1)	
		international preliminary examination (Rule 55.2 and		
'	this report)		report is based on (replacement re referred to in this report as "	sheets which have been furnished to the originally filed" and are not annexed to
	ewline	ternational application as originally filed/furnished		
"				
	pages	ale		as originally filed/furnished
	pages		received by this Authority on	
r	pages	*	received by this Authority on	
	the cla	aims:		
	nos.			as originally filed/furnished
	nos.*		as amended (togethe	er with any statement) under Article 19 09.07.2005 with letter
	nos.*	1-35	received by this Authority on	
	nos.*		received by this Authority on	
	the dr	awings:		
	sheets	1/5-5/5		as originally filed/furnished
	sheets			
	sheets			
Γ	a segu	ence listing and/or any related table(s) - see Supplement		
, <u> </u>			onal Box Relating to Sequence L	asung.
3. L	r 	mendments have resulted in the cancellation of:		
		the description, pages		
		the claims, nos.		
		the drawings, sheets/figs		
		the sequence listing (specify):	· · · · · · · · · · · · · · · · · · ·	
. –				
4. L	they h	eport has been established as if (some of) the amend ave been considered to go beyond the disclosure as fil	ed, as indicated in the Supplemen	tal Box (Rule 70.2(c)).
		the description, pages		
	t	he claims, nos.		
	,	he drawings, sheets/figs		
	1 1	the sequence listing (specify):		
		any table(s) related to sequence listing (specify):	·····	
* <i>If</i>	f item 4 app	lies, some or all of those sheets may be marked "supe	rseded."	

International application No.
PCT/EP2004/010923

Box No. V		Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1.	Statement						
	Novelty	V(N) Claims $1-23$	YES				
		Claims 24-35	NO				
	Inventive	ve step (IS) Claims 1-35	YES				
		Claims	NO NO				
	Industria	ial applicability (IA) Claims 1-35	YES				
		Claims					
	C''L						
2.		nd explanations (Rule 70.7)					
	inis i	report makes reference to the following documents	•				
	D1:	US 2002/001604 A1 (YAZAWA TAKAKO ET AL), 3 Janua					
	DI.	2002 (2002-01-03)	ıry				
	n2 •	PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 19, 5					
	DZ.	June 2001 (2001-06-05) & JP 2001 048595 A (INAX					
	D2.	CORP), 20 February 2001 (2001-02-20)	-				
	ט3;	PATENT ABSTRACTS OF JAPAN, Vol. 1996, No. 12, 26)				
		December 1996 (1996-12-26) & JP 08 217492 A					
		(SHINKO PANTEC CO LTD), 27 August 1996 (1996-08-	-				
		27)					
	D4:	PATENT ABSTRACTS OF JAPAN, Vol. 1999, No. 08, 30)				
		June 1999 (1999-06-30) & JP 11 060277 A (NIPPON					
		ELECTRIC GLASS CO LTD), 2 March 1999 (1999-03-02	2)				
	D5:	PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 01, 3	31				
		January 2000 (2000-01-31) & JP 11 278866 A (NIHO	N				
		YAMAMURA GLASS CO LTD), 12 October 1999 (1999-10) —				
		12)					
	D6:	PATENT ABSTRACTS OF JAPAN, Vol. 1995, No. 05, 30)				
		June 1995 (1995-06-30) & JP 07 048142 A (NIPPON					
		SHEET GLASS CO LTD), 21 February 1995 (1995-02-2	11)				
	D11:	WO 03/018495 A1 (SCHOTT GLAS; CARL-ZEISS-STIFFUN	IG				
		TRADING AS SCHOTT GLAS; CARL-ZEISS-ST), 6 March					

PCT/EP2004/010923

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	2003 (2003-03-06)
D12:	DE 100 17 701 A1 (SCHOTT GLAS), 25 October 2001
	(2001-10-25)
D13:	EP-A-1 170 264 (SCHOTT GLAS), 9 January 2002
	(2002-01-09)
D14:	EP-A-0 220 333 (SCHOTT GLASWERKE; CARL-ZEISS-
	STIFTUNG), 6 May 1987 (1987-05-06)
D15:	PATENT ABSTRACTS OF JAPAN, Vol. 1998, No. 11 , 30
	September 1998 (1998-09-30) & JP 10 158037 A
	(ASAHI GLASS CO LTD), 16 June 1998 (1998-06-16)
D16:	EP-A-1 270 527 (INAX CORPORATION), 2 January 2003
	(2003-01-02)
D17:	PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 16, 8
	May 2001 (2001-05-08) & JP 2001 026466 A (NIPPON
	SHEET GLASS CO LTD), 30 January 2001 (2001-01-30)
D18:	PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 05, 14
	September 2000 (2000-09-14) & JP 2000 053451 A
	(SUMITOMO OSAKA CEMENT CO LTD), 22 February 2000
	(2000-02-22)
D19:	PATENT ABSTRACTS OF JAPAN, Vol. 2000, No. 02, 29
	February 2000 (2000-02-29) & JP 11 319042 A
	(SASAKI GLASS CO LTD), 24 November 1999 (1999-11-
	24)
D20:	PATENT ABSTRACTS OF JAPAN, Vol. 1998, No. 08, 30
	June 1998 (1998-06-30) & JP 10 059788 A (TOKYO
	YOGYO CO LTD; TOYO TEKUNIKA KK), 3 March 1998
	(1998-03-03)

The invention claims a glass or glass ceramic powder with antimicrobial properties. The only document among the above-mentioned documents which has been demonstrated to relate to a glass ceramic powder with antimicrobial

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2004/010923

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

properties is the prior art document D20.

Documents D1-D6 and D11-D19 do not contain any indication on how to produce an antimicrobial powder.

The prior art in document D20 is detrimental to the novelty of the subject matter of claims 24-35 only because these claims do not refer to the glass ceramics defined in the preceding claims, since document D20 is silent on the composition of the glass ceramics. Document D20 does not contain any indication of a composition designed for the manufacture of an antimicrobial glass ceramic powder.